

Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 2121

### Remarks

A Substitute Specification that sets forth the headings as per US style and practice is submitted herewith. The language of the specification has not been amended. Only category headings and paragraph numbers have been inserted. Therefore, a marked-up version of the Specification is not included herewith.

The claims are amended to clarify the distinctions between the present invention and the cited prior art, without adding new matter.

A new Abstract of the Disclosure according to US style and Practice has been added to the end of the Substitute Specification. It merely words the original Abstract to meet US requirements. Please cancel the previous Abstract and insert the substitute Abstract of the Disclosure provided with this Substitute Specification.

### Claim Rejections Under 35 USC 102

#### The Patent to Nevel et al. (Nevel)

Claims 18, 19, 22-26 and 28-34 are rejected as being anticipated by Nevel.

Valid rejection under 35 USC 102 requires that each feature of a rejected claim be disclosed in a single reference. "For anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." MPEP 706.02(a)

Nevel does not disclose each of the features recited in the rejected claims.

Nevel discloses a method for dynamically clearing yarns by identifying and cutting out damaged portions of lengths of the yarns (column 1, lines 12-15; column 5, lines 12-21; Figures 5 and 6; column 12, lines 22-39, i.e., claim 1; column 12, lines 40-61, i.e. claim 2).

Applicant: Zweigle  
US Patent Application No. 09/423,179  
Attorney Docket No. (K) 53 885

Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 2121

In contrast, the present invention discloses and claims an apparatus and method for optimizing the development of woven fabrics.

Claim 1, as now amended, distinguishes from Nevel by emphasizing the development of woven fabrics:

- an apparatus that optimizes the development of woven fabrics;
- a display device that displays the woven fabrics that are developed in the apparatus;
- a control and evaluation device that controls the measuring device and woven fabrics;
- wherein an actual fabric is computed and presented on the basis of the individual yarn diameters and the woven fabric.

A revised specification is submitted herewith, which conform to the format set forth in numbered paragraph 1 of the Office Action.

Claim Rejections Under 35 USC 103(a)

Claims 20, 21, and 27 are rejected as being unpatentable over Nevel in view of Massen.

As discussed above, Nevel's disclosure does not anticipate the present invention. Thus, Nevel in combination with Massen does not make the present invention unpatentable.

Wherefore, further consideration and allowance of the claims, as amended, is respectfully requested.

This Amendment after Final Action is necessary to place the claims in condition for allowance or in better condition for appeal. Specifically, applicant has

Applicant: Zweigle  
US Patent Application No. 09/423,179  
Attorney Docket No. (K) 53 885

Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 2121

amended the claims in response to the questions raised by the Examiner in the Final  
Action and thereafter and to include the changes the Examiner suggested in the Final  
Action.

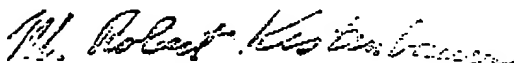
Applicant: Zweigle  
US Patent Application No. 09/423,179  
Attorney Docket No. (K) 53 885

7

Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 2121

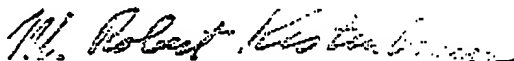
A three-month extension of time in which to response to the outstanding Office Action is hereby requested. A Notice of Appeal is also being submitted herewith. PTO-2038 is included herewith, authorizing credit card payment for the amount of \$465 for the prescribed Small Entity three-month extension fee, as well as the \$160 Notice of Appeal Fee (totaling \$625). Any other fee due by virtue of this filing or this application should be charged to Deposit Account 11-0665. Any refunds in connection with this filing should be credited to Deposit Account 11-0665. A duplicate of this page is enclosed for this purpose.

Respectfully submitted,



M. Robert Kestenbaum  
Reg. No. 20,430  
11011 Bermuda Dunes NE  
Albuquerque, NM USA 87111  
Telephone (505) 323-0771  
Facsimile (505) 323-0865

I hereby certify this correspondence is being submitted to Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, Va. 22313-1450 by facsimile transmission on May 8, 2003, Fax Number (703) 308-7238.



M. Robert Kestenbaum

Applicant: Zweigle  
US Patent Application No. 09/423,179  
Attorney Docket No. (K) 53 885

8